

LATONIA SMITH  
9748 CANYON LANDING AVE.  
LAS VEGAS, NV 89166  
725-203-2455  
PLAINTIFF IN PROPER PERSON

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LATONIA SMITH,

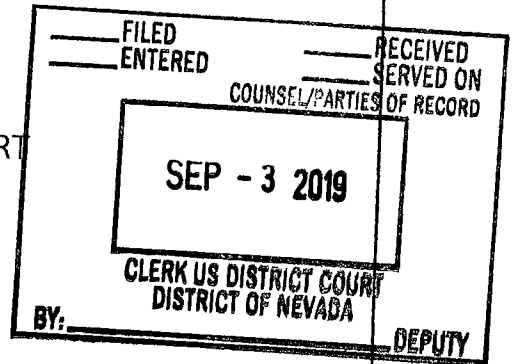
Plaintiff(s),

-vs-

FENNEMORE CRAIG,

Defendant(s).

CASE NO. 2:19-cv-00824-GMN-EJY



**PLAINTIFF'S MOTION TO STRIKE FENNEMORE'S REPLY IN SUPPORT OF  
EMERGENCY MOTION TO QUASH**

Plaintiff, Latonia Smith, moves to strike Fennemore's reply in support of their emergency motion to quash, filed on August 28, 2019, where defendant used the reply brief to present new arguments and new contentious exhibits laden throughout the entire reply. The new arguments and exhibits are steeped in the lies, guesswork, and speculations of Fennemore Craig and their associates, all of which can be easily opposed and disproven with an inclusion of the full record. They also directly ignore the testimony of third party witnesses that was already presented to the court, in **Plaintiff's Opposition to defendant's motions to dismiss**, concerning the fact that (non-exhaustively herein) (1) Fennemore targeted Ms. Smith beginning in 2017 in connection with their participation in a civil conspiracy, (2) the conspiracy continued against Ms. Smith in 2018 and 2019, (3) Ms. Pierce and her associates intended to target Ms. Smith prior to the April 17, 2019 attack on Ms. Smith and (4) Plaintiff was verbally attacked by Shannon Pierce and her associate, Ethan Thomas (who was specifically dispatched to

1 assist Pierce in attacking Ms. Smith on April 17, 2019) followed by another attack  
2 against Ms. Smith by way of the judicial system by Pierce and her associates. Like all of  
3 the exhibits presented by defendant, the evidence is out-of-context, outright false,  
4 and/or blatant misrepresentations of the facts in their entirety, and it is no surprise why  
5 defendant must present exhibits in this way; they are guilty and the only way that they  
6 can absolve themselves of wrongdoing is to create new storylines even if they are false  
7 and directly contradictory to the actual facts and evidence. Moreover, the issues  
8 surrounding the April 17, 2019 attack of Ms. Smith that defendant is now trying to  
9 conflate with Plaintiff conducting discovery are entirely irrelevant to the instant matter  
10 concerning propounded discovery, as further **seen in defendant's own initial objections**  
11 to the subject matter (incorporated in exhibits).  
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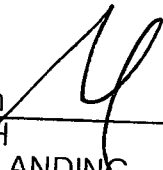
### 13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 Fennemore Craig inappropriately files a reply with new arguments and new  
15 exhibits; they ask this Court to issue a protective order against Ms. Smith and attach  
16 new and contentious exhibits that they hope this Court will consider (which are even  
17 extraneous to the subject matters) without giving Ms. Smith an opportunity to respond to  
18 their erroneous assertions and misrepresentations. In their emergency motion, as a part  
19 of their new (and irrelevant) tactic to prevent Plaintiff from conducting discovery on  
20 matters relevant to the instant lawsuit, defendant made blanket and false assertions that  
21 Plaintiff had a history of issuing threats and making threats, without the inclusion of any  
22 evidence or reasonable arguments. Plaintiff, in her opposition, responded asserting that  
23 **defendant's statements were** simply completely unfounded and false, and those  
24 assertions remain true. Defendant has continually pushed their opinions as facts and  
25 has wildly and irresponsibly attempted to use irrelevant matters to create a false  
26 narrative concerning the Plaintiff in an attempt to subvert the discovery process. The  
27 Plaintiff was under no obligation to present or respond to exhibits where no contrary  
28

1 exhibits were presented/raised. **Defendant's reply now inserts one-sided erroneous**  
2 **exhibits attached to new blatant misrepresentations and new erroneous arguments in a**  
3 **desperate attempt to "cure" blanket and false allegations** in their opening brief, which,  
4 again, is irrelevant to the subject matter of the propounded discovery. The reply should  
5 **be stricken (and even the irrelevant portions of defendant's opening brief where they**  
6 **assert newfound "fears" in an attempt to subvert discovery).** If a movant cites new  
7 evidence or legal theories in a reply brief, due process requires either that the reply be  
8 stricken or that the non-movant be given an opportunity to respond. However, to prevent  
9 further prejudice/delay that will be caused to Ms. Smith, the reply should be stricken.  
10 See **Weaver v. State, Dep't of Motor Vehicles 117 P.3d 193 (Nev. 2005)** (declining to  
11 consider arguments raised for the first time in a reply brief). To the extent that a party  
12 raises a new argument or proffers new evidence and information in a reply brief, that  
13 argument or evidence is improper because the opposing party is deprived of an  
14 opportunity to respond. **Tovar v. United States Postal Service, 3 F.3d 1271, 1273 n.3**  
15 **(9<sup>th</sup> Cir. 1993).** Therefore, the court cannot consider new evidence provided in a reply  
16 when the other party does not have an opportunity to respond to the evidence. **Provenz**  
17 **v. Miller, 102 F.3d 1478, 1483 (9<sup>th</sup> Cir. 1996).** Pursuant to **Federal Rule of Civil**  
18 **Procedure 12, the court may strike a filing for "any redundant, immaterial, impertinent,**  
19 **or scandalous matter.**

20  
21 As such, Ms. Smith moves to have the court strike **Fennemore's reply brief along**  
22 **with their exhibits (Exhibits G-N); they are outside of the scope of "replying" to Plaintiff's**  
23 **opposition to defendant's emergency motion to quash subpoenas,** they are entirely  
24 irrelevant to the subject matter of the Plaintiff conducting discovery as ordered by the  
25 court, and the irrelevant evidence that defendant is attempting to proffer is false and  
26 attached to completely, and knowingly, false arguments, which are further subject to  
27 Rule 11 sanctions.  
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Dated this 2nd day of September 2019

/s/ Latonia Smith   
LATONIA SMITH  
9748 CANYON LANDING  
AVE.  
LAS VEGAS, NV 89166

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CERTIFICATE OF SERVICE

I certify that I am serving a true and correct copy of the attached MOTION TO STRIKE on the parties set forth below by:

\_\_\_\_\_ placing an original or true copy thereof in a sealed envelope with the correct prepaid postage affixed for collection and mailing in the United States Mail, at Las Vegas, Nevada.

  X   Certified Mail, Return Receipt Requested of the document(s) listed above to the person(s) at the address(es) set forth below

\_\_\_\_\_ E-service

\_\_\_\_\_ Personal delivery through a process server of the document(s) listed above to the person(s) at the address(es) set forth below

Alex Fugazzi and Michael Paretti

SNELL AND WILMER

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mparetti@swlaw.com

/s/ Latonia Smith

Plaintiff, In Proper Person

Dated this 2nd day of September 2019